

Shellfish Advisory Council Meeting Minutes

November 29, 2016 Ellsworth City Hall Council Chambers

Members in attendance: Dan Curtis, Patricia Hinds, Glen Melvin, Bridie McGreavy, Jim Norris, Lewis Pinkham, Scott Moody, Raeleen Pert, Fiona Dekoning, Jeff McKeen, Ralph Smith

Members Absent: Tom Connolly, Andy Rhuel

DMR Staff in Attendance: Kohl Kanwit, Angel Ripley, Bryant Lewis, John Fendl, Denis Nault, Hannah Annis, Heidi Leighton, David Miller, Tom Reardon

Others in Attendance: Sean Smith, Victor Doyle, Mike Pinkham, Darcy Couture, Dan Devereaux, Sara Randall, Joe Porada, Mike Danforth, Sebastian Bell, Steve Rappaport

Meeting called to order at 10:04 A.M.

Attendance/Roll Call- 10:05 A.M.

10:06 a.m. Agenda item #3- Dan Curtis had a question in regards to item #4 on draft minutes from previous meeting. He asked if approval was finalized for the quality trademark. Kohl answered it is currently in the hands of the Attorney General's office who is working with Department of Agriculture to get it moving forward. Lewis Pinkham called for a vote to approve previous meetings minutes. Lewis asked for a motion to approve, Ralph Smith called motion, Jim Norris 2nd unanimously approved.

10:08 a.m. - Agenda item #4- Evaluation of the Municipal Shellfish Management program- Presented by Bridie McGreavy and Sara Randall. The presentation highlighted the strengths and DMR's role in shellfish management, recommendations for improvement. [\(See Attached\)](#) Glen Melvin asked Sara Randall her personal opinion of the shellfish management program, if it is effective, Sara replied yes. Glen asked Kohl if the complaints were isolated or if there were multiple complaints in regards to the program. Kohl answered she gets far more compliments on the program than complaints. It is primarily an isolated continuous complaint from one individual that prompted this topic. Kohl explained different towns have different expectations and needs for area biologist involvement. Lewis commented he has been doing the administrative side of managing a municipal program since 1996, he has seen a decrease in overall paperwork required since then by DMR. He also stated he has never had a biologist not be present when it has been requested. He believes the program is working well and you just cannot make everyone happy. Glen stated the original complaint brought to DMR in 2009 has since been resolved, and his town has no issues with the program at this time. Dan Curtis indicated he thought the state was getting more aggressive with management. Kohl replied yes, with the annual letter that was recently sent to towns, we stated our position in being more rigid in following statutory timelines for applications, annual reviews, etc. Annual reviews that are submitted incomplete will be returned to the towns to complete. DMR will overall be holding firmer on statutes and regulations of the program. Mike Pinkham reiterated Lewis comments, he stated he learns a lot from the area biologist from his town, Heidi Leighton, and her assistance has been vital in the improvement of his two town programs. Kohl added she was somewhat shocked how many personal issues come into play on the town level (e.g. licensing).

10:52 a.m. - Agenda item #5- Lewis Pinkham deferred to Mike Pinkham to provide the update on the DA issue in Hancock/Washington County. The issue is not resolved as had previously been thought. Mike spoke to the clerk's office in Machias, and was assured once again that any violations written by a municipal warden under State of Maine, the fine money would come back to the town when collected. Based on cases in October and November, that did not happen. Through speaking with other state officials, we are back to the starting point. Municipal wardens have to prosecute the cases under the town name in order to receive the fine money. However, in order to be eligible to do so, the warden must have completed the 100 hour MCJA course, and be certified through a class in the prosecutions office to do so. Lewis has spoken to state reps and others, stated we need to act on this and get resolution as soon as possible. Lewis indicated we need a state representative to write a bill to get this changed so fine money is returned to towns. Lewis is hopeful DA Foster will assist in the language of the bill to be drafted. Lewis asked Kohl about DMR involvement and support, and Kohl indicated she will find out from the commissioner's office.

11:02 a.m. Agenda item #6- Bill submitted by Bruce Poliquin to deal with the Acadia issue ([see attached](#)) The park provided extensive feedback to the bill submitted. This bill will have to be resubmitted at next session. Lewis spoke to his state representative who indicated the bill was not very well received. Lewis believes we need to invoke a massive media coverage campaign to get more awareness on the issue, in order to get it to legislature and passed through to make the needed changes. Lewis asked if DMR has suggestions on next move? Kohl indicated a talk to the superintendent again and possibly request a new meeting with he, the Commissioner and the governor. Lewis made a motion that SHAC should request the meeting between the superintendent, governor, and commissioner, Ralph Smith 2nd motion, unanimous vote yes. Joe Porada asked that any information be reported back to the Shellfish Committee Chairs through SHAC. Ralph indicated perhaps a special meeting to discuss the outcome of the meeting. Lewis indicated will call harvesters, industry members to rally the media if no agreement is made at the meeting. Glen asked if someone could draft a one page simplified explanation of the issues that can be handed out to all to keep consistency in the conversations of the issue. Lewis asked Bridie to assist him in drafting the letter. Bridie agreed. Lewis called for vote to allow him to lead the charge on the media rally, unanimous yes. This was a vote of individuals of the SHAC committee, not a vote of SHAC itself, formal voting procedure not done. Shac's role is to advise the commissioner.

11:35 a.m. – Short Break

11:44 a.m. - Meeting restarted

11:44 a.m. - Agenda Item #8- Sean Smith presented on an update from NEST project. ([See Attached](#)) Glen asked if we are at a point where DMR can make changes based on the NEST recommendations. Kohl indicated yes, we are at a starting point of recommendations for changes in DMR.

12:17 p.m.-Agenda item #9- DSP update- Kohl provided an update and overview of this summer's DSP and ASP outbreaks, and testing processes and procedures that were followed. Fiona thanked DMR for all the hard work and communication around red tide closures.

12:34 p.m. - Agenda item #10- Abatement Closure Procedure- ([see attached](#))

12:39 p.m. - Agenda item #11- Marine Patrol had asked SHAC for recommendations in adding hard clams and oysters to buying station permits. Glen Melvin suggested the addition of razor clams also.

Lewis asked for a motion for SHAC to support the addition of hard clams, oysters, and razor clams to a buying station permit, Glen made the motion, motion 2nd by Scott Moody, unanimous vote yes. ([see attached](#))

12:43 p.m. - Agenda item #12- 2016 Work Plan

- A. Progress being made, maps are down, will add update to next agenda
- B. ([See attachment](#)) Oyster information update. Model ordinance is requiring the State to determine a market size for both natural and aquaculture of oysters. Jeff McKeen recommends for wild harvest it be set at 2.5 inches, believes we need more characteristics defined for aquaculture than just shell size. Denis indicated making same minimum size for both wild and aquaculture makes most sense from an enforcement standpoint. Sebastian Bell asked for SMR to further consider making aquaculture exempt from a minimum size requirement. Will add to next agenda for further discussion, prior to that Jeff will get further recommendations from other industry people.
- C. Town conservation requirements for adding species to ordinance- will add to next agenda, there is currently legislation in play that could change this completely.
- D. Mussel conflict sub-committee- there have been no additional meetings since the summer, waiting on survey results to come in to have further discussions and additional meetings. Lewis indicated the group has expanded from the original 3, to 6+ members now. Lewis suggested they hold the next meeting in January in order to provide an update at next SHAC meeting in February.

1:05 p.m.- Victor Doyle asked if we could add a discussion on Wet Storage for harvesters to next meeting agenda specifically how to change the rules at the ISSC level.

1:06 p.m. – Next meeting scheduled for February 9th, 2017 in Augusta DMR room 118.

1:07 p.m. - Meeting Adjourned.